

440 No. 9/7/86-6 Lab./1255.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s (i) Haryana State Federation of Consumer Cooperative Whole sale Stores Ltd., Chandigarh (ii) District Manager, Confed, Rohtak:—

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No. 47 of 1983

between

SHRI SANT SINGH, WORKMAN AND THE MANAGEMENT OF M/S (i) HARYANA STATE FEDERATION OF CONSUMER CO-OPERATIVE WHOLE SALE STORES LTD., CHANDIGARH, (ii) DISTRICT MANAGER, CONFED, ROHTAK

Present:

Shri S. S. Gupta, A. R. for the workman.

Shri M. C. Bhardwaj, A. R. for the respondent.

AWARD

1 In exercise of the powers conferred by clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana, referred the following dispute, between the workman Shri Sant Singh and the management of M/s. (i) Haryana State Federation of Consumer Co-operative Wholesale Stores Ltd., Chandigarh, (ii) Distt. Managar, Confed, Rohtak, to this Court, for adjudication,—vide Haryana Govt. Gazette Notification No. ID/RTK/30-83/21387—93, dated 6th May, 1983 :—

Whether the termination of service of Shri Sant Singh was justified and in order ? If not to what relief is he entitled ?

2. After receipt of the order of reference, notices were issued to the parties. The parties appeared. The case of the petitioner is that he was employed with the respondent as a Driver on 15th January, 1981 but the respondent choose to terminate his services,—vide orders, dated 31st August, 1982, which was patently illegal and unlawful and was passed in flagrant disregard of the provisions of the Industrial Disputes Act, 1947, because the respondent did not comply with the provisions of Section 25 F of the Industrial Disputes Act, 1947 (hereinafter referred to as the Act).

3. In the reply filed by the respondent, preliminary objections taken are that this Court has no jurisdiction to try this present reference and that the order of termination was as per stipulation in the letter of appointment and furthermore the respondent is not an "industry" as defined in section 2 (J) of the said Act. On merits, it is alleged that the petitioner was appointed on *ad hoc* basis and such, this services could be terminated at any time and so, the order of termination was legal and valid.

4. On the pleadings of the parties, the following issues were settled for decision on 30th July, 1984:—

1. Whether the respondent is not an industry?
2. Whether the termination of services of Shri Sant Singh was justified and in order ? If not, to what relief is he entitled ?
5. The management examined MW-1 Shri Ram Dhan, Assistant Manager at Rohtak and the petitioner appeared as WW-1.
6. Heard.

Issue No. 1

7. The learned Authorised Representative of the respondent was very lukewarm in pressing this issue in view of the categorically findings given by the Hon'ble Supreme Court of India in 1978 Lab. I. C. 467 Bangalore Water Supply & Sewerage Board vs. A. Rajappa and others.

Issue No. 2

On this issue, the petitioner must succeed because his services were terminated by the respondent after he had completed more than one year of continuous services. He was employed on 15th January, 1981 and his services were terminated on 31st August, 1982 on the flimsy ground that a regular candidate sponsored through the employment Exchange had to be appointed. There is no mention of this fact in the order of termination Ex. W-2. There is no mention of this fact in the order of appointment Ex. W-1 that the services of the petitioner shall stand terminated on the arrival of a regular candidate sponsored through the Employment Exchange. So, this was simply a plea adopted by the respondent to case out the petitioner illegally from the employment. Under these circumstances, the order of termination cannot be sustained and as such, the same is set aside.

9. On the question of back wages also the petitioner cannot fail, because his services were terminated on 31st August, 1982. Unfortunately there is no date mentioned upon the demand notice received alongwith the order of reference. So, this Court has to stray in the realm of conjectures. The reference was made to the Government of Haryana to this Court in the month of May, 1983. Some time must have been taken by the Government to make its mind. So, the date of the demand notice can be fixed in the month of January, 1983. His services were terminated in the month of August, 1982. So, the demand notice cannot be said to be delayed and as such the petitioner cannot be denied the benefits of back wages. So, the petitioner is ordered to be reinstated with continuity of service and full back wages. The reference is answered and returned accordingly with no order as to costs.

Dated the 21st January, 1986.

B. P. JINDAL,

Presiding Officer,
Labour Court, Rohtak.

Endst. No. 47-83/177, dated the 3rd February, 1986.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,

Presiding Officer,
Labour Court, Rohtak.

No. 9/6/86-6Lab./1258.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of Managing Director, Confed, Haryana, Chandigarh.

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT,

ROHTAK.

Reference No. 7 of 1984

between

SHRI JAI SINGH, WORKMAN AND THE MANAGEMENT OF MANAGING
DIRECTOR, CONFED, HARYANA, CHANDIGARH.

Present :

None, for the petitioner.

Shri M. C. Bhardwaj, A. R., for the management.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana, referred the following dispute between the workman Shri Jai Singh and the management of Managing Director, Confed, Haryana, Chandigarh, to this Court for adjudication,—vide Haryana Government Gazette Notification No. 3890-95 dated 24th January, 1984 :—

“Whether the termination of services of Shri Jai Singh, is justified and in order If ? not, to what relief is he entitled ?”

446 2. After receipt of the order of reference, notices were issued to the parties. The parties appeared. The case of the petitioner is that he was employed with the respondent as a salesman on 5th March, 1981, but the respondent chose to terminate his services unlawfully on 26th April, 1983 without any prior notice or payment of retrenchment compensation.

3. In the reply filed by the management, the claim of the workman has been controverted in toto. Pleas propounded need not be detailed, because this reference is being answered on grounds other than merits.

On the pleadings of the parties, the following issues were settled for decision by me on 15th November, 1984 :—

1. Whether the respondent is not an industry as defined under section 2 (j) of the I. D. Act, 1947 ?
2. Whether the termination of services of Shri Jai Singh is justified and in order ? If not, to what relief is he entitled ?

5. Before any evidence could be adduced by the workman, he absented, though earlier the workman had been given eight opportunities to adduce his evidence. On the last date his learned Authorised Representative Shri Gupta made a statement in the Court that the workman be given one more opportunity for today, which was given, but the workman has not turned up to prosecute his claim. The only inference possible is that the workman is not interested in prosecution of this reference. So, the same is dismissed for non-prosecution and answered accordingly with order as to costs.

Dated the 15th January, 1986.

B. P. JINDAL,

Presiding Officer,
Labour Court, Rohtak,
Camp Court, Sirsa.

Endorsement No. 7-84/180, dated the 3rd February, 1986.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,

Presiding Officer,
Labour Court, Rohtak,
Camp Court, Sirsa.

No. 9/7/86-6Lab./1259.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s B. E. Pumps Pvt. Ltd., M. I. E., Bahadurgarh.

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No. 108 of 1984

between

SHRI KAILASH PARSHAD, WORKMAN AND THE MANAGEMENT OF M/S B. E. PUMPS PVT. LTD., M. I. E., BAHADURGARH.

Present :—

Shri R. S. Yadav, A. R. for the workman.

Shri M. Dias, A. R., for the management.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute between the workman Shri Kailash Parshad and the management of M/s. B. E. Pumps Pvt. Ltd., M. I. E. Bahadurgarh, to this Court, for adjudication,—vide Haryana Government Gazette Notification No. 23419—24, dated 29th June, 1984:—

Whether the termination of services of Shri Kailash Parshad was justified and in order? If not, to what relief is he entitled?

2. The claim of the petitioner is that he was employed with the respondent since 1st April, 1980 as a Chowkider on monthly wages of Rs. 514 and that respondent choose to terminate his services unlawfully with effect from 20th December, 1983 on the basis of trumped up charges into which no domestic probe was held. So, he has alleged that his termination was illegal and unlawful and as such he has prayed for reinstatement with continuity of service and full back wages.

3. In the reply filed by the respondent, the claim of the workman has controverted *in toto*. Pleas propounded need not be detailed, because this reference is being answered on grounds other than merits.

4. On the pleadings of the parties, the following issue was settled for decision on 27th December, 1984:

Whether the termination of services of Shri Kailash Parshad is justified and in order? If not, to what relief is he entitled?

5. After the respondent had adduced his evidence on the preliminary issue regarding domestic enquiry and the case was posted for the evidence of the workman in reply, happily a settlement was arrived, which is Ex. X-4, whereunder the respondent has paid a sum of Rs 3,500 to the petitioner in full and final settlement of his claim. The petitioner has given up his right of reinstatement. So, nothing survives for adjudication. The reference is answered and returned accordingly. There is no order as to cost.

Dated the 22nd January, 1986.

B. P. JINDAL,
Presiding Officer,
Labour Court, Rohtak.

Endst. No.108-84/181, dated the 3rd February, 1986.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,

Presiding Officer,
Labour Court, Rohtak.

No. 9/7/86-6Lab/1260.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s J.C. Forgings and Steel Rolling Mill, Bahadurgarh (Rohtak).

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No. 12 of 1985

between

SHRI AMRIT LAL, WORKMAN AND THE MANAGEMENT OF M/S J.C. FORGING
AND STEEL ROLLING MILL, BAHADURGARH (ROHTAK)

Present :—

Shri K. D. Mandal, for Shri Chander Singh.

None, for the management.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana, referred the following dispute, between the workman Shri Amrit Lal and the management of M/s J.C. Forging and Steel Rolling Mill Bahadurgarh (Rohtak) to this Court, for adjudication,—vide Haryana Government Gazette Notification No. 3499-3505, dated 29th January, 1985:—

Whether the termination of services of Shri Amrit Lal is justified and in order? If not, to what relief is he entitled?

After receipt of the order of reference, notices were issued to the parties. The parties appeared. The case of the petitioner is that he was employed with the respondent as a Tonesman on monthly wages of Rs 600 for the last about seven years and that the respondent choose to terminate his services unlawfully with effect from 10th July, 1984 in flagrant disregard of the provisions of the Industrial Disputes Act, 1947.

3. In the reply filed by the respondent, the claim of the workman has been controverted *in toto*. Pleas projected need not be detailed, because this reference is being answered on grounds other than merits.

4. On the pleadings of the parties, the following issues were settled for decision on 18th April, 1985:—

1. Whether the reference is bad in law? OPR.
2. Whether the workman voluntarily resigned from his employment? If so, to what effect? OPR.
3. Whether the termination of services of Shri Amrit Lal is justified and in order? If not, to what relief is he entitled?

5. Before my evidence could be adduced, happily a settlement was arrived at—vide which a sum of Rs 2,425 has been paid to the petitioner in full and final satisfaction of his claim. The settlement arrived at exhibit W-1, which has been attested by Shri Cander Singh, authorised representative of the workman, who is not present today in the Court but has sent Shri K. D. Mandal another labour leader to produce the settlement. The statement of Shri K. D. Mandal has been recorded in this behalf. So, nothing survives for adjudication. The reference is answered and returned accordingly. There is no order as to cost.

B. P. JINDAL,

Presiding Officer,

Labour Court, Rohtak.

Dated the 21st January, 1986.

Endorsement No. 12-85/182; dated the 3rd February, 1986.

Forwarded (four copies), to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,

Presiding Officer,

Labour Court, Rohtak.

No. 9/7/86-6Lab/1261.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s Deepak International, Jhajjar Road, Bahadurgarh.

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No. 14 of 1985

between

SHRI BHAGAT SINGH, WORKMAN AND THE MANAGEMENT OF M/S DEEPAK INTERNATIONAL, JHAJJAR ROAD, BAHADURGARH.

Petitioner in person, with Shri K. D. Mandal, his A. R.

None, for the management.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute between the workman Shri Bhagat Singh and the management of M/S. Deepak International, Jhajjar Road, Bahadurgarh, to this Court, for adjudication,—vide Haryana, Government Gazette Notification No. 6938-43, dated 23rd February, 1985 :—

Whether the termination of services of Shri Bhagat Singh is justified and in order? If not, to what relief is he entitled?

2. After receipt of the order of reference, notices were issued to the parties. The parties appeared. The case of the petitioner is that he was employed with the respondent as a Helper on monthly wages of Rs 376 and that all of a sudden on 13th June, 1984, the respondent choose to terminate his services unlawfully in flagrant disregard of the provisions of Industrial Disputes Act, 1947.

3. In the reply filed by the respondent, the claim of the workman has been controverted in to to. Various pleas has been projected, which need not be detailed, because this reference is being answered on grounds other than merits.

4. On the pleadings of the parties, the following issues were settled for decision on 6th November, 1985 :—

- (1) Whether the respondent has since been closed? If go to what effect? OPR.
- (2) Whether the reference is bad in law? OPR.
- (3) Whether the petitioner resigned from his job of his own?
- (4) Whether the claim statement has not been filed by a proper person?
- (5) Whether the petitioner remained gainfully employed after his alleged termination?
- (6) Whether the termination of services of Shri Bhagat Singh is justified and in order? If not, to what relief is he entitled?

5. Before any evidence could be adduced, happily a settlement was arrived at whereunder, the workman shall be paid a sum of Rs. 1,322 with in a week from today in full and final settlement of his claim. In that behalf, statement of Shri K. D. Mandal, A. R. of the workman has been recorded. Now, nothing survives for adjudication. The reference is answered and returned accordingly with no order as to cost.

Dated the 21st January, 1986.

B. P. JINDAL,
Presiding Officer,
Labour Court, Rohtak.

Endorsement No. 14-85/183, dated 3rd February, 1986

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,
Presiding Officer,
Labour Court, Rohtak.

No. 9/7/86-6Lab./1264.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s The Shergarh Co-operative Credit and Service Society Ltd., Shergarh, Mandi Dabwali.

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No 129 of 1984.

between

SHRI KAPOOR SINGH BHATTI, WORKMAN AND THE MANAGEMENT OF M/S. THE
SHERGARH CO-OPERATIVE CREDIT AND SERVICE SOCIETY LTD., SHERGARH, MANDI
DABWALI.

Present :—

None for the petitioner.

Shri H. S. Smaugh, A. R. for the management.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana, referred the following dispute between the workman Shri Kapoor Singh Bhatti and the management of M/s. The Shergarh Co-operative Credit and Services Society Ltd., Shergarh, Mandi Dabwali, to this Court, for adjudication,—vide Haryana Government Gazette Notification No. 27662-66, dated 1st August, 1984 :—

Whether the termination of services of Shri Kapoor Singh Bhatti is justified and in order? If not, to what relief is he entitled ?

2. After receipt of the order of reference, notices were issued to the parties. The parties appeared. The case of the petitioner is that he was employed with the respondent as a salesman in the year 1981 and all through his work and conduct was satisfactory but the respondent choose to terminate his services,—vide order, dated 4th January, 1984, which order was passed in flagrant disregard of the provisions of the Industrial Disputes Act, 1947.

3. In the reply filed by the respondent, the claim of the workman has been controverted in toto. Pleas propounded need not be detailed, because this reference is being answered on grounds other than merits.

4. On the pleadings of the parties, the following issue was settled for decision by me on 13th August, 1985:—

Whether the termination of services of Shri Kapoor Singh Bhatti is justified and in order, If not, to what relief is he entitled ?

5. The case was adjourned thrice for evidence of the workman, but he did not choose to produce any evidence and on 15th January, 1986 he did not appear at all. The only inference possible is that the workman is not interested in prosecution of this reference. So, the same is dismissed and answered accordingly with no order as to cost.

Dated 15th January, 1986.

B. P. JINDAL,

Presiding Officer,

Labour Court, Rohtak,
Camp Court, Sirsa.

Endst No. 129-84/86, dated 3rd February, 1986.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,

Presiding Officer,

Labour Court, Rohtak,

No. 9/7/86-6Lab/1265.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s. Haryana Co-operative Sugar Mill Ltd., Rohtak.

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No. 139 of 1985

between

SHRI SURESH KUMAR, WORKMAN AND THE MANAGEMENT OF M/S HARYANA
CO-OPERATIVE SUGAR MILL LTD., ROHTAK

Present : —

Petitioner in person.

Shri M. M. Kaushal, A. R. for the management.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute between the workman Shri Suresh Kumar and the management of M/s Haryana Co-operative Sugar Mill Ltd., Rohtak, to this Court, for adjudication,—vide Haryana Government Gazette Notification No. 35228—33, dated the 29th August, 1985:—

Whether the termination of services of Shri Suresh Kumar, is justified and in order? If not to what relief is he entitled?

2. After receipt of the order of reference, notices were issued to the parties. The parties appeared. The case of the petitioner is that he was employed with the respondent as a Cane Clerk on 9th February, 1982 but the respondent choose to terminate his services unlawfully with effect from 15th February, 1985 by passing the arbitrary orders which was in contravention of the provisions of the Industrial Disputes Act, 1947.

3. Before any reply could be filed by the respondent, proceedings in this case were stayed by the Hon'ble High Court of Punjab and Haryana,—vide its order dated 24th September, 1985 under these circumstances, proceedings in this case were adjourned *sine die* pending decision of the Civil Writ Petition No. 4658 of 1985. This case has been brought on today's cause list on the application filed by the petitioner alleging settlement with the respondent. Thereunder the respondent has agreed to reinstate the petitioner and the petitioner has agreed to give up his claim regarding previous service and other benefits. So, nothing survives for adjudication. The reference is answered and returned accordingly with no order as to cost.

Dated the 6th January, 1986.

B. P. JINDAL,
Presiding Officer,
Labour Court, Rohtak.

Endst. No. 139-85/187, dated the 3rd February, 1986.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,
Presiding Officer,
Labour Court, Rohtak.

The 6th March, 1986

No. 9/9/86-6Lab/1534.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s Mohindra Brick Kiln Company Develi Palwal, district Faridabad.

BEFORE SHRI R. N. BATRA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA,
FARIDABAD

Reference No. 29/1985

between

THE MANAGEMENT OF M/S MOHINDRA BRICK KILN COMPANY DEVELI PALWAL,
DISTRICT FARIDABAD

Present:—

None.

AWARD

In exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute between the management of M/s Mohindra Brick Kiln Company Develi Palwal, District Faridabad and its workman, to this Tribunal for adjudication:—

- (1) Whether the workman of the establishment are entitled to get the bonus at the rate of 20% for the years 1981-82, 1982-83, 1984-85? If so, with what details?

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- (2) Whether the workmen of the establishment are entitled to get the two pairs of uniforms in a year? If so, with what details?
 - (3) Whether the workmen of the establishment are entitled to get five kilograms gur? If so with what details?

2. Notices were issued to both the parties. It may be mentioned that on 2nd December, 1986, none appeared on behalf of the management and as such they were proceeded against *ex parte*. On the last date of hearing none appeared on behalf of the workmen even though they were represented previously and as such *ex parte* proceedings were ordered against them. It appears that both the parties are not interested in the reference. The award is passed accordingly.

Dated the 10th February, 1986.

R. N. BATRA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Endst. No. 109, dated the 10th February, 1986.

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under Section 15 of the Industrial Disputes Act, 1947.

R. N. BATRA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 9/9/86-6Lab/1535.—In pursuance of the provisions of section 17 of the Industrial Disputes Act 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal Faridabad, in respect of the dispute between the workman and the management of M/s Chief Brick Kiln Company, Aswati Palwal, district Faridabad :—

BEFORE SHRI R. N. BATRA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD

Reference No. 28/1985

between

THE MANAGEMENT OF M/S CHIEF BRICK KILN COMPANY, ASWATI PALWAL, DISTRICT FARIDABAD AND ITS WORKMEN

Present :—

None.

AWARD

In exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana, referred the following dispute between the management of M/s Chief Brick Kiln Company, Aswati Palwal, district Faridabad, and its workmen, to this Tribunal for adjudication :—

- (1) Whether the workmen of the establishment are entitled to get the bonus at rate of 20% for the years 1981-82, 1982-83, and 1984-85? If so with what details?
- (2) Whether the workmen of the establishment are entitled to get two pairs of uniform in a year? If so with what details?
- (3) Whether the workmen of the establishment are entitled to get 5 Kgs. Gur in a month? If so with what details?

2. Notices were issued to both the parties. It may be mentioned that on 24th October, 1985 none appeared on behalf of the management and as such they were proceeded against *ex parte*. On the last date of hearing, none appeared on behalf of the workmen even though they were represented previously and as such *ex parte* proceedings were ordered against them. It appears that both the parties are not interested in the reference. The award is passed accordingly.

Dated, the 10th February, 1986.

R. N. BATRA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Endorsement No. 110, dated the 10th February, 1986.

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

R. N. BATRA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 9/9/86-6Lab/1581.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s Faridabad Foundry, Plot No. 306, Sector 24, Faridabad.

BEFORE SHRI R.N. BATRA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA,
FARIDABAD

Reference No. 18/1984

between

SHRI ABHIMANU PARSHAD AND THE MANAGEMENT OF M/S FARIDABAD
FOUNDRY, PLOT NO. 306, SECTOR 24, FARIDABAD

Present:—

Shri M. K. Bhandari along with Shri Abhimanu, workman concerned

None for the Management.

AWARD

In exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute between Shri Abhimanu Parshad workman and the management of M/s. Faridabad Foundry, Plot No. 306, Sector 24, Faridabad, to this Tribunal for adjudication:—

Whether the termination of services of Shri Abhimanu Parshad, was justified and in order? If not, to what relief is he entitled?

2. Notices were issued to both the parties. It may be mentioned that demand notice was given on 6th September, 1983 and written statement was filed by the management on 21st January, 1985 and rejoinder on 12th February, 1985. The issues were framed on 12th February, 1985. The Management examined one witness and thereafter absented itself due to which it was proceeded against *ex parte* on 27th January, 1986.

3. Shri Abhimanu Parshad claimant appeared as WW-1 and stated that he was appointed as Moulder in the respondent factory in 1981 and was turned out on 14th August, 1983 when he was getting Rs. 425 per month. He further stated that he was not allowed to go inside the factory when he made a complaint to the Labour Inspector copy Ex.W-6, and that the management did not appear before the Labour Inspector and then he gave demand notice. He further stated that the demand notice was returned by the

management and that Ex. M. 4 was the registered cover in that respect. He also stated that the management did not appear in conciliation proceedings copy Ex. W 5. He further stated that previously also he was turned out and was taken on duty when he filed a complaint against the management and a settlement was arrived at between the parties, —vide documents Exts. W-1, W-2 and W-3. He further stated that no notice pay or compensation was given to him, when he was turned out on 14th August, 1983 and that he be reinstated with full back wages. He further stated that he never abandoned the job by remaining absent nor he received any letter from the Management asking him to join duty. He stated that he was unemployed.

4. A perusal of the above evidence would show that the Management did not allow the claimant to join duty on 14th August, 1983, due to which he filed the complaint dated 17th August, 1983, copy Ex. W-6 before the Labour Inspector. The conciliation proceedings, copy Ex. M-5 shows that the management did not appear in those proceedings. The testimony of M.W 1 Shri Rajeshwar Kumar, Proprietor of the respondent to the effect that the claimant abandoned the job does not find support from any documentary evidence nor any letter has been proved to show that the claimant was asked to join duty. Consequently, the evidence does not show that the claimant abandoned the job, but on the other hand, the services of the claimant were terminated illegally because the provisions of section 25-F of the Industrial Disputes Act, 1947, were not complied with and further that in spite of industrial dispute between the parties, the management did not appear in conciliation proceedings. Consequently, the claimant is entitled to reinstatement with full back wages. The award is passed accordingly.

Dated, the 11th February, 1986.

R. N. BATRA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Endst. No. 112, dated the 11th February, 1986.

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

R. N. BATRA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 9/86-6Lab./2079.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s Orient Electrical Insulation Pvt. Ltd., No. 50, Industrial Area, N.I.T., Faridabad.

BEFORE SHRI R. N. BATRA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD

Reference No. 16 of 1986

between

THE MANAGEMENT OF M/S ORIENT ELECTRICAL INSULATION PVT. LTD., NO. 50, INDUSTRIAL AREA, N. I. T., FARIDABAD AND ITS WORKMEN

Present :—

None.

AWARD

In exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute between the management of M/s Orient Electrical Insulation Pvt. Ltd., No. 50, Industrial Area, N. I. T., Faridabad, and its workmen to this Tribunal for adjudication :—

- (1) Whether the lock out declared by the management with effect from 10th October, 1984, was justified? If not, with what details?
- (2) Whether the workmen of the establishment are entitled to come on duty with wages from the lock out period? If so, with what detail?

2. Notices were issued to both the parties. It may be mentioned that on the last date of hearing none appeared on behalf both the parties even though they were represented previously and as such *ex parte* proceedings were ordered against them. It appears that both the parties are not interested in the reference. The award is passed accordingly.

R. N. BATRA,

Dated the 17th February, 1986

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Endorsement No. 130, dated the 25th February, 1986

Forwarded (four copies), to the Commissioner & Secretary to Government, Haryana, Labour & Employment Departments Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

R. N. BATRA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 9/9/86-6Lab/2081.—In pursuance of the provisions of Section 17 of the Industrial Dispute Act, 1947 (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s. Piyush Art Printers, Plot No. 91, Sector 6, Faridabad :—

BEFORE SHRI R. N. BATRA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL
HARYANA, FARIDABAD

Reference No. 224/1981.

Between

SHRI SIRI CHAND SAINI, WORKMAN AND THE MANAGEMENT OF M/S.
PIYUSH ART PRINTERS, PLOT NO. 91, SECTOR-6, FARIDABAD.

Present:—

Shri Manohar Lal, for the workman.

None, for the management.

AWARD

In exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute between Shri Siri Chand Saini, workman and the management of M/s Piyush Art Printers Plot No. 91, Sector-6, Faridabad to this Tribunal for adjudication:—

Whether the termination of services of Shri Siri Chand Saini was justified and in order? If so, to what relief is he entitled?

2. Notice were issued to both the parties. It may be mentioned that on 24th December, 1985, the *ex parte* award dated 1st August, 1985 was set aside on payment of Rs. 100/- as costs and previous costs of Rs. 125/- and the case was fixed for the evidence of the management for 30th January, 1986. On 30th January, 1986 no witness of the management was present and the case was adjourned to 11th August, 1986 for evidence of the management on their own responsibility as it was stated that the witness could not come due death of his near relation. On 11th February, 1986 none appeared on behalf of the Management and as such *ex parte* proceeding were ordered against them.

3. Shri Siri Chand claimant has appeared as WW-I and stated that he was employed as Compositor in the respondent factory on 28th February, 1980 and was drawing Rs 410/- per month when he was turned out on 16th March, 1981. He further stated that no notice pay or compensation was given to him nor any enquiry was held against him. He also stated that he went to the factory about a week ago and that the same was being run. He stated that he reinstated with full back wages.

4. The above testimony of Shri Siri Chand claimant (WW-I) shows that he remained/employed in the factory from 28 February, 1980 to 15th March 1981 and what no notice pay or compensation was given to him when was not allowed to join duty on 16th March, 1981. The provisions of Section 25-F of the Industrial Disputes Act, 1947 have thus not been complied with and as such termination of service of the claimant was neither justified nor in order. Consequently, the claimant is entitled to reinstatement with full back wages. The award is passed accordingly.

R. N. BATRA,

Presiding Officer,

Industrial Tribunal, Haryana,
Faridabad.

Dated: 17th February, 1986.

Endst. No. 132 Dated 25th February, 1986.

Forwarded (four copies) to the Commissioner and Secretary, to Government, Haryana, Labour and Employment Departments Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

R. N. BATRA,

Presiding Officer,

Industrial Tribunal, Haryana,
Faridabad.

No. 9/9/86-6Lab/2082.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s S. G. Steel Private Ltd., Plot No. 6, Sector 4, Industrial cum Housing Estate, Ballabgarh (Faridabad):—

BEFORE SHRI R. N. BATRA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA
(FARIDABAD)

Reference No. 89/1984

between

SHRI-SIRI NIWAS WORKMAN AND THE MANAGEMENT OF M/S S. G. STEEL PRIVATE
LTD., PLOT NO. 6, SECTOR 4, INDUSTRIAL-CUM-HOUSING ESTATE BALLABGARH
(FARIDABAD)

Present:

Shri Manohar Lal for the workman.

Shri L. M. Sabarwal and Shri Ashwani Sakhuja for the management.

AWARD

In exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute between Shri Siri Niwas workman and the management of M/s S. G. Steel Private Ltd., Plot No. 6, Sector 4, Industrial Cum-Housing Estate Ballabgarh (Faridabad), to this Tribunal for adjudication:—

Whether the termination of services of Shri Siri Niwas was justified and in order? If not, to what relief is he entitled?

2. Notices were issued to both the parties. Shri Ashok Kumar Sharma, Manager of the respondent factory and Shri L. M. Sabarwal representative of the Management, stated that the dispute between the parties had already been settled,—vide settlement Ex. M-1 which bore the signatures of both the parties and that the claimant had already received the amount,—vide receipt Ex. M-2 in full and final settlement of his claim and had relinquished his rights of reinstatement etc. and that no dispute was now left between the parties. Shri Manohar Lal, representative of the workman, stated that he had heard the above statement made by the representative of the Management which was correct, and that the dispute had already been settled in terms of the documents Ex. M-1 and M-2 as mentioned above. In view of the testimony of Shri Ashok Kumar Sharma, Manager of the respondent factory, and Shri L. M. Sabarwal, representative of the Management and Shri Manohar Lal, representative of the workman and recitals made in the documents Ex. M-1, and M-2, the dispute between the parties stands settled, as mentioned above. The award is passed accordingly.

Dated the 25th February, 1986.

R. N. BATRA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Endst. No. 133, dated 25th February, 1986.

Forwarded (four copies) to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

R. N. BATRA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

The 7th March, 1986

No. 9/6/86-6Lab./1431.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala, in respect of the dispute between the workman and the management of (i) The Transport Commissioner, Chandigarh (ii) The General Manager, Haryana Roadways, Yamuna Nagar :—

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT,
AMBALA

Reference No. 143 of 1985

SHRI SURESH CHAND, WORKMAN AND THE MANAGEMENT OF THE TRANSPORT
COMMISSIONER, CHANDIGARH, (ii) THE GENERAL MANAGER, HARYANA
ROADWAYS, YAMUNANAGER

Present :

None for the workman.

Shri Pirth Singh, for the respondent.

AWARD

The Hon'ble Governor of Haryana in the exercise of powers conferred,—vide clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947, has referred dispute between Shri Suresh Chand, workman and the General Manager, Haryana Roadways, Yamuna Nagar to this Court. The terms of the reference are as under :—

“Whether the termination of services of Shri Suresh Chand, workman is justified and correct ? if not, to what relief is he entitled ?”

Suresh Chand workman alleged that he served respondent management since 12th June, 1980 to 10th January, 1984 as a Helper (Motor Mechanic). On 10th January, 1984 his services were terminated in violation of section 25 (F) of the Industrial Disputes Act, 1947. So he has prayed for his reinstatement with continuity in service and with full back wages.

Respondent-Management appeared, contested the case and contended that applicant was appointed on daily wages as Helper for a term from 1st January, 1984 to 31st January, 1984, but he did not work beyond 10th January, 1984 and absented himself from his duty. Thereafter, applicant was again appointed with effect from 1st February, 1984 to 29th February, 1984, but he never resumed his duty. It was further contended that it is a case of absentee on the part of workman and not a case of termination, so workman is not entitled to his reinstatement as prayed for.

On the pleadings of the parties the following issues were framed:—

Issues:—

- (1) Whether the termination order, dated 10th January, 1984 is justified, if not its effect ? OPM
- (2) Relief.

Case was fixed for management evidence for 16th January, 1986. On that day none appeared for the workman, while Shri Pirth Singh, Assistant, appeared for respondent. So the reference is dismissed in default.

Dated the 16th January, 1986.

V. P. CHAUDHARY,
Presiding Officer,
Labour Court, Ambala.

Endorsement No. 198, dated the 20th January, 1986.

Forwarded (four copies), to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,
Presiding Officer,
Labour Court, Ambala.

No. 9/6/86-6 Lab./1432.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947, (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala in respect of the dispute between the workman and the management of M/s Transport Commissioner, Haryana, Chandigarh, (ii) G. M., Haryana Roadways, Yamuna Nagar :—

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT,
AMBALA

Reference No. 140 of 1985

between

SHRI SHIV KUMAR WORKMAN AND THE MANAGEMENT OF M/S TRANSPORT
COMMISSIONER, HARYANA, CHANDIGARH, (ii) G. M., HARYANA
ROADWAYS, YAMUNA NAGAR

Present :—

None for the workman.

Shri Pirth Singh, for the respondent.

AWARD

The Hon'ble Governor of Haryana in the exercise of his powers conferred,—vide sub-clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947, has referred dispute between Shri Shiv Kumar and G. M., Haryana Roadways, Yamuna Nagar, to this Court. The terms of reference are as under :—

Whether the termination of services of Shri Shiv Kumar, workman, is just and correct ? If not, to what relief is he entitled ?

Shiv Kumar workman alleged that he has served the department since 16th July, 1982 to 8th July, 1984 as a Helper. His services were illegally terminated on 8th July, 1984 in violation of section 25 (F) of the Industrial Disputes Act, 1947. He has prayed for his reinstatement with continuity in service and with full back wages.

Respondent contested the case and contended that workman was appointed with effect from 1st March, 1984 to 31st March, 1984. His services were discontinued on 31st March, 1984 as per terms and conditions of his appointment. No specific orders of termination or discontinuation of service were ever passed. Workman did not complete service of 240 days, so there is no violation of section 25 (F). It was further submitted that workman is not at all entitled relief claimed for.

On the pleadings of the parties the following issues were framed :—

Issues :—

- (1) Whether the termination order regarding services of workman, dated 8th July, 1984 is just and correct if not its effect ?
- (2) Relief.

The case was fixed for management evidence for 16th January, 1986 but neither workman nor his A. R. appeared to contest this case, while Shri Pirth Singh, Assistant, appeared for respondent-management. Hence, the reference is dismissed in default.

Dated the 16th January, 1986.

V. P. CHAUDHARY,
Presiding Officer,
Labour Court,
Ambala.

Endst. No. 199, dated the 20th January, 1986

Forwarded (four copies), to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,
Presiding Officer,
Labour Court,
Ambala.

No. 9/6/86-6Lab./1435.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala in respect of the dispute between the workman and the management of (i) The Secretary, H.S.E.B., Chandigarh, (ii) The Executive Engineer, "OP" Division, H.S.E.B., Shahabad (Markanda) :—

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT,
AMBALA

Reference No. 81 of 1985

between

SHRI MADAN LAL, WORKMAN AND THE MANAGEMENT OF (i) THE SECRETARY,
H.S.E.B., CHANDIGARH, (ii) THE EXECUTIVE ENGINEER "OP" DIVISION,
H.S.E.B., SHAHABAD (MARKANDA)

Present :—

Shri Rajeshwar Nath, for the workman.

Shri S. S. Sirohi, for the respondent.

AWARD

The Hon'ble Governor of Haryana in exercise of powers conferred by sub-clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947 has referred dispute between Shri Madan Lal workman and Haryana State Electricity Board, to this court. The terms of the reference are as under :—

Whether the termination of services of Shri Madan Lal, workman, is justified and correct, If not, to what relief is he entitled to ?

Workman alleged that he was appointed as a Daily Wages paid labourer on 1st September, 1978 by the respondent. But on 11th September, 1984 his services were illegally terminated. He has prayed for his reinstatement with continuity in service and with full back wages.

Respondent appeared did not contest the dispute. Parties arrived at amicable settlement according to that it was agreed upon between the parties that workman shall be taken into service with continuity in service. But he shall not be paid his back wages. The period of absence shall be treated as extraordinary leave.

In view of statement of parties the dispute in question is disposed of as compromised. The workman shall join duty as early as possible, he will not be entitled any back wages. However, he shall have all the benefits of continuity in service. I pass award regarding the dispute in hand accordingly.

V. P. CHAUDHARY,
Presiding Officer,
Labour Court, Ambala.

Dated the 20th January, 1986.

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Endst. No. 204, dated 20th January, 1986.

Forwarded (four copies), to the Financial Commissioner and Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh, as required under Section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala.

No. 9/6/86-6Lab./1436.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala, in respect of the dispute between the workman and the management of The Executive Engineer, 'OP' Division Haryana State Electricity Board, Kurukshetra:—

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT,
AMBALA

Reference No. 221 of 1984

(Old No. 262 of 1982)

between

SHRI RAM CHANDER WORKMAN AND THE MANAGEMENT OF THE EXECUTIVE
ENGINEER "OP" DIVISION, HARYANA STATE ELECTRICITY BOARD,
KURUKSHETRA

Present.—

Shri Rajeshwar Nath, for the workman.

Shri S. S. Sirohi, for the respondent.

AWARD

The Hon'ble Governor of Haryana in the exercise of powers conferred,—vide clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947 has referred dispute between Shri Ram Chander and The Executive Engineer "OP" Division Haryana State Electricity Board, Kurukshetra, originally to Labour Court, Faridabad. The terms of the reference are as under:—

Whether the termination of services of Shri Ram Chander workman was justified and in order? If not, to what relief is he entitled?

In April, 1984 Labour Court was constituted at Ambala, so this reference was received by transfer.

Shri Ram Chander alleged that he joined service of respondent on 8th February, 1977 at the pay of Rs. 75 plus other allowances admissible and thereafter his services were terminated by the respondent on 1st June, 1978 in violation of section 25 (F) of the Industrial Disputes Act, 1947. He has prayed for his reinstatement with continuity in service and with full back wages.

Respondent contested the case and contended that respondent department is not an industry so the reference is not maintainable. It was also contended that there is no relationship of employee and employer between the parties, so this reference is bad in the eyes of laws. Services of workman were never terminated accordingly also the reference is not maintainable. It was also contended that HSEB is a juristic person it has not been impleaded as party to litigation. So the reference is bad for non joinder of necessary parties. It was also contended that the petitioner was employed as a T-Mate on 8th February, 1977 and he worked only up to 31st May, 1978 except the period from 1st August, 1977 to 30th September, 1977. During the period he remained absent from duty and thereafter; petitioner left the job of the respondent on 1st June 1978, of his own accord.

On the pleadings of the parties the following issues were framed :—

Issues:

- (1) Whether termination order dated 1st June, 1978, regarding the services of workman Ram Chander is justified? If not its effect? OPM
- (2) Relief

The case was adjourned for recording of evidence of the parties but to day parties made statement that they have amicably settled the dispute. According to their statements petitioner shall be taken on duty on 3rd February 1986. He shall not be entitled to back wages. However, he shall have benefit of continuity in service and this period shall be treated as extraordinary leave.

In view of the above compromise the dispute, in question is finally settled as per compromise. I pass award regarding the controversy between the parties accordingly.

Dated the 20th January, 1986.

V. P. CHAUDHARY,
Presiding Officer,
Labour Court, Ambala.

Endst. No. 205, dated the 20th January, 1986.

Forwarded (four copies) to the Financial Commissioner & Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,
Presiding Officer,
Labour Court, Ambala.

No. 9/6/86-6Lab./1437.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala in respect of the dispute between the workman and the management of M/s Dayar Handloom E-59 Industrial Area, Panipat :—

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT,
AMBALA

Reference No. 8 of 1985

SHRI JAI NARAIYAN, WORKMAN AND THE MANAGEMENT OF THE MESSRS DAYAR
HANDLOOM, E-59, INDUSTRIES AREA, PANIPAT

Present.—

Shri Karan Singh, for the workman.

None, for the respondent.

AWARD

The Hon'ble Governor of Haryana in exercise of its powers conferred,—vide clause (c) of sub-section (i) of section (10) of the Industrial Disputes Act, 1947 has referred dispute between Shri Jai Naraiyan, and Messrs Dayar Handloom E-59, Industrial Area, Panipat, to this Court. The terms of the reference are as under :—

Whether the termination of services of Shri Jai Naraiyan, workman, is justified and in order? If not, to what relief is he entitled to ?

Jai Naraiyan workman alleged that he had been serving the respondent since October, 1977 to the entire satisfaction of the management. But on 14th August, 1984 his services were terminated by the management without any notice, charge-sheet and reason in utter violation of section 25 (F) of the Industrial Disputes, Act, 1947. He has prayed for his reinstatement with continuity in service and as well as full back wages.

Notice of this reference was issued to management but management refused to service accordingly; *ex parte* proceedings were taken up against the management.

Workman in support of his *ex parte* evidence examined himself as AW-1. He stated that the management issued him Experience Certificate. Photostat copy of the same is Ex-A-1. Which reads that workman remained in the services of respondent from October, 1977 to 14th August 1984. He also stated that when his services were terminated by the management no notice was issued to him, no pay in lieu of notice was paid to him, nor any retrenchment compensation was given to him. So it is clear from the above *ex parte* evidence that services of workman Jai Naraiyan were terminated against the provision of section 25 (F) of the Industrial Disputes Act 1947. So he is entitled to his reinstatement with continuity in service as well as full back wages.

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So I pass *Exparte* award in favour of, workman against the management with the direction that Shri Jai Naraiyan reinstated with continuity in service and with full back wages.

Dated the 20th January, 1986.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala.

Endorsement No. 207, dated the 20th January, 1986.

Forwarded (four copies) to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala.

No. 9/6/86-6Lab/1440.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala, in respect of the dispute between the workman and the management of M/s. Panipat Finishers C/o Messrs R. K. Woolen Mill No. 1, Panipat.

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER,
LABOUR COURT, AMBALA

Reference No. 274 of 1985

between

SHRI PARLAD SINGH WORKMAN AND THE MANAGEMENT OF THE MESSRS
PANIPAT FINISHERS C/O MESSRS R. K. WOOLEN MILL NO. 1, PANIPAT

Present.—

Shri D. P. Pathak, for the workman.

Shri S. K. Kaushal, for the respondent.

AWARD

The Hon'ble Governor of Haryana in the exercise of powers conferred,—*vide* clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947, referred dispute between Shri Parlad Singh workman and the Messrs Panipat Finishers C/o Messrs R. K. Woolen Mill, Panipat to this Court. The terms of the reference are as under :—

“Whether the termination of services of Shri Parlad Singh, workman is justified and correct ? If not, to what relief is he entitled ?”

Shri Parlad Singh through his demand notice alleged that he was in the employment of respondent management for the last one year at the monthly pay of Rs.435. His services were un-lawfully terminated on 25th March, 1985. So he prayed for his reinstatement with continuity in service and with full back wages.

Respondent-management was served. Shri S. K. Kaushal appeared for the management. He stated that the management has offered employment to the workman and has also written three four letters to workman with the direction that he should report on duty but he has failed to do so. He further submitted that even if within 15 days workman makes himself available in the factory premises, he will be joined duty. This statement of Shri R. K. Kaushal, Manager was accepted Shri D. P. Pathak A. R. of workman.

In view of statement of parties I order that the workman be made available in the factory premises within 15 days of this order to report on duty and management shall join him in its service.

In view of above agreement I pass award regarding the dispute between the parties accordingly.

V. P. CHAUDHARY,

Dated : 24th January, 1986.

Presiding Officer,
Labour Court, Ambala.

Endst. No. 212, dated the 24th January, 1986

Forwarded (four copies) to the Financial Commissioner & Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala.

No. 9/6/86-6Lab./1441.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana, is pleased to publish the following award of Presiding Officer, Labour Court, Ambala in respect of the dispute between the workman and the management of M/s. Kailash Textile, G. T. Road, Panipat.

IN THE COURT OF SHRI V.P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT,
AMBALA

Reference No. 184 of 1985

SHRI MADAN LAL WORKMAN AND THE MANAGEMENT OF THE MESSERS
KAILASH TEXTILE, G. T. ROAD, PANIPAT

Present.—

None, for the workman.

None, for the respondent.

AWARD

The Hon'ble Governor of Haryana in the exercise of its powers conferred,—vide clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947 referred dispute between Shri Madan Lal workman and the Messrs Kailash Textile, G. T. Road, Panipat to this Court. The terms of the reference are as under :—

“Whether the termination of services of Shri Madan Lal workman is justified and correct? If not, to what relief is he entitled?”

Shri Madan Lal alleged that he used to work in the factory of the respondent management. On 5th April, 1985 his services were terminated in violation of section 25 (F) of the Industrial Disputes Act 1947. He prayed for his reinstatement with continuity in service and with full back wages.

Notice of this application was served upon the respondent management. Shri Surinder Kaushal appeared and contested this application. The case was fixed for replication and issues. None appeared either for workman or for the respondent. So the reference is dismissed in default.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala.

Dated the 24th January, 1986.

Endorsement No. 213, dated the 24th January, 1986.

Forwarded (Four Copies) to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala.